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TRANSMITTAL LETTER		Case No. 11170/3
Serial No. 10/047,710	Filing Date January 13, 2002	Inventor not assigned
Inventor(s) Tapas K Das Gupta et al.		Group Art Unit not assigned
Title of Invention Cytotoxic Factors For Modulating Cell Death		

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an Information Disclosure Statement, PTO Form 1449 with references and return postcard.

Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.

- ☐ A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☐ Petition for a _____ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

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	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9 =			x \$18 =	
x 42 =			x \$84 =	
+ \$140 =			+ \$280 =	
Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

John Murray
John Murray
Registration No. 44,251
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on March 26, 2002.

Date: March 26, 2002 Signature: John Murray



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PATENT & TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents
Washington, D.C. 20231

on MARCH 26th, 2002

Date of Deposit

JOHN MURRAY

Name of applicant, assignee or
Registered Representative

John Murray

Signature

MARCH 26th, 2002

Date of Signature



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Our Case No. 11170/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tapas K Das Gupta *et al.*

Serial No.: 10/047,710

Filing Date: January 15th, 2002

For: Cytotoxic Factors For Modulating
Cell Death

Examiner: Not assigned

Group Art Unit No.: Not Assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on the attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed within three months of the filing date of a national application and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

This application claims benefit of provisional application U.S. Ser. No. 60/269,133, filed Feb. 15th, 2001. This prior application is relied upon for an earlier filing dated under 35 U.S.C. § 119. In accordance with Rule 37 C.F.R. § 1.98(d) copies of the following documents cited are enclosed:

Zaborina, O. *et al.*, "P2Z independent and P2Z receptor mediated macrophage killing by *P. aeruginosa* isolated from cystic fibrosis patients", Infect. Immun. 67: 5231-5242 (1999).

Melnikov, A. *et al.*, "Clinical and environmental isolates of *Burkholderia cepacia* exhibit differential cytotoxicity towards macrophages and mast cells", Mol. Microbiol. 36: 1481-1493 (2000).

Punj, V. *et al.*, "Phagocytic cell killing mediated by secreted cytotoxic factors of *Vibrio cholerae*", Infect. Immun. 68: 4930-4937 (2000).

Zaborina, O. *et al.*, "Secreted products of a nonmucoid *Pseudomonas aeruginosa* strain induce two modes of macrophage killing: external ATP-dependent, P2Z-receptor-mediated necrosis and ATP-independent, caspase-mediated apoptosis", *Microbiology* 146: 2521-2530 (2000).

Kirn, David H. *et al.*, "Replication-selective microbiological agents fighting cancer with targeted germ warfare", *The Journal of Clinical Investigation*, vol. 105, No. 7, 837-839 (2000).

Sznol, Mario *et al.*, "Use of Preferentially Replicating Bacteria for the Treatment of Cancer", *The Journal of Clinical Investigation*, vol. 105, No. 8, 1027-1030 (2000).

Pawelek, John H. *et al.*, "Tumor-targeted *Salmonella* as a Novel Anticancer Vector", *Cancer Research*, vol. 57, 4537-4544 (1997).

Potera, Carol, "Harnessing *Salmonella*'s Positive Powers against Tumors", *ASM News*, vol. 66, No. 6 (2000).

Alexandroff, Anton B. *et al.*, "BCG immunotherapy of bladder cancer: 20 years on", *The Lancet*, vol. 353, 1689-1694 (May 15, 1999).

O'Donnell, Michael A., "The genetic reconstruction of BCG as a new immunotherapeutic tool", *Tibtech*, vol. 15, 512-517 (December 1997).

Paglia, Paola *et al.*, "Keeping the immune system alerted against cancer", *Cancer Immunol. Immunother.*, 46:88-92 (1998).

Hunter, Christopher A. *et al.*, "Cutting Edge: Systemic Inhibition of Angiogenesis Underlies Resistance to Tumors During Acute Toxoplasmosis", *The Journal of Immunology*, 166: 5878-5881 (2001).

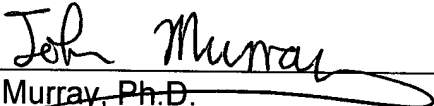
L. H. Dang *et al.*, "Combination bacteriolytic therapy for the treatment of experimental tumors." *Proc. Nat. Acad. Sci. USA*, 98, 15155-15160 (2001).

R. K. Jain and N. S. Forbes, "Can engineered bacteria help control cancer?" *Proc. Natl. Acad. Sci. USA*, 98, 14748-14750 (2001).

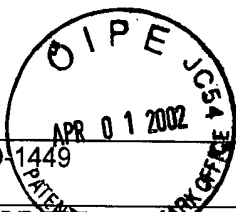
If, for any reason, the Examiner feels that an interview would be helpful to resolve any issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4229.

Respectfully submitted,

Date: March 26th, 2002 -


John Murray, Ph.D.
Registration No. 44,251
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200



FORM PTO-1449	SERIAL NO. 10/047,710	CASE NO. 11170/3
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE January 15 th , 2002	GROUP ART UNIT
(use several sheets if necessary)		APPLICANT(S): Das Gupta et al.

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE

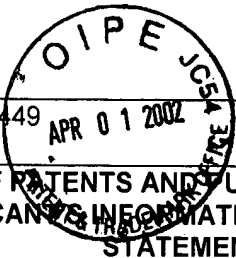
FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	A1 ✓	Zaborina, O. et al., "P2Z independent and P2Z receptor mediated macrophage killing by <i>P. aeruginosa</i> isolated from cystic fibrosis patients", Infect. Immun. 67: 5231-5242 (1999).
	A2 ✓	Melnikov, A. et al., "Clinical and environmental isolates of <i>Burkholderia cepacia</i> exhibit differential cytotoxicity towards macrophages and mast cells", Mol. Microbiol. 36: 1481-1493 (2000).
	A3 ✓	Punj, V. et al., "Phagocytic cell killing mediated by secreted cytotoxic factors of <i>Vibrio cholerae</i> ", Infect. Immun. 68: 4930-4937 (2000).
	A4 ✓	Zaborina, O. et al., "Secreted products of a nonmucoid <i>Pseudomonas aeruginosa</i> strain induce two modes of macrophage killing: external ATP-dependent, P2Z-receptor-mediated necrosis and ATP-independent, caspase-mediated apoptosis", Microbiology 146: 2521-2530 (2000).
	A5 ✓	Kirn, David H. et al., "Replication-selective microbiological agents fighting cancer with targeted germ warfare", The Journal of Clinical Investigation, vol. 105, No. 7, 837-839 (2000).
	A6 ✓	Sznol, Mario et al., "Use of Preferentially Replicating Bacteria for the Treatment of Cancer", The Journal of Clinical Investigation, vol. 105, No. 8, 1027-1030 (2000).
	A7 ✓	Pawelek, John H. et al., "Tumor-targeted <i>Salmonella</i> as a Novel Anticancer Vector", Cancer Research, vol. 57, 4537-4544 (1997).
	A8 ✓	Potera, Carol, "Harnessing <i>Salmonella</i> 's Positive Powers against Tumors", ASM News, vol. 66, No. 6 (2000).
	A9	Alexandroff, Anton B. et al., "BCG immunotherapy of bladder cancer: 20 years on", The Lancet, vol. 353, 1689-1694 (May 15, 1999).
	A10 ✓	O'Donnell, Michael A., "The genetic reconstruction of BCG as a new immunotherapeutic tool", Tibtech, vol. 15, 512-517 (December 1997).
	A11 ✓	Paglia, Paola et al., "Keeping the immune system alerted against cancer", Cancer Immunol. Immunother., 46:88-92 (1998).
	A12 ✓	Hunter, Christopher A. et al., "Cutting Edge: Systemic Inhibition of Angiogenesis Underlies Resistance to Tumors During Acute Toxoplasmosis", The Journal of Immunology, 166: 5878-5881 (2001).
	A13 ✓	L. H. Dang et al., "Combination bacteriolytic therapy for the treatment of experimental tumors." Proc. Nat. Acad. Sci. USA, 98, 15155-15160 (2001).

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1449	SERIAL NO. 10/047,710	CASE NO. 11170/3
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE January 15th, 2002	GROUP ART UNIT
(use several sheets if necessary)		APPLICANT(S): Das Gupta et al.

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	A14	R. K. Jain and N. S. Forbes, "Can engineered bacteria help control cancer?" Proc. Natl. Acad Sci. USA, 98, 14748-14750 (2001).
	A15	
	A16	
	A17	

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